

**AFFIDAVIT IN SUPPORT OF
THE ARREST OF KENNETH MCKINLEY III**

I, Benjamin Shaw, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations (HSI), having served in that capacity with Homeland Security Investigations, and its predecessor, Immigration and Customs Enforcement (ICE), Department of Homeland Security, for approximately eight (8) years. Prior to that, I was a Special Agent and Uniformed Officer for the United States Secret Service for approximately eight (8) years. I am currently assigned to the Office of the Assistant Special Agent in Charge, Cleveland, Ohio. I have received training, and have conducted and/or assisted in investigations involving the violation of laws pertaining to commercial fraud, immigration, cultural property, intellectual property rights (IPR), child exploitation, money laundering, and narcotics. I am currently responsible for the investigation of violations of federal laws within the purview of ICE/HSI. This includes violations of law regarding importation of unregistered firearms into the United States, contrary to law in violation of 18 United States Code, Section 545.

2. This affidavit is intended to show only that there is sufficient probable cause that Kenneth MCKINLEY III, currently residing at 1854 Honeytown Road, Wooster, OH 44691, has violated Title 18, United States Code, Section 545, importation of merchandise into the United States contrary to law, Title 18, United States Code, Section 922(g), prohibited person in possession of ammunition, and Title 18, United States Code, Section 922(o), unlawful transfer or possession of a machinegun (collectively, the "Specified Federal Offenses").

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause to believe that Kenneth MCKLINLEY III committed the Specified Federal Offenses.

PROBABLE CAUSE

4. HSI recently became aware of an influx of machine gun parts shipments designed to convert semi-automatic Glock pistols into fully-automatic machineguns. These shipments are being smuggled in international mail from China and have been falsely manifested as "Multitool Switch" and "Screwdriver". Examination of several parcels has yielded positive results for the machine parts. Law Enforcement and open-source information reveals that these parts are readily purchasable on sites such as Wish and Ebay. These machine parts, even in the absence of a Glock pistol, are considered prohibited items under the National Firearms Act (NFA), 26 USC 5845(a) and (b), defined, in pertinent part, as "any part designed and intended to solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun."

5. On March 2, 2019, CBP intercepted a package containing two (2) metal parts with the Glock logo in parcel # LW115404905CN addressed to "Ken MCKINLEY" at 1854 N. Honeytown Rd., Wooster, OH 44691. Your affiant is aware that Glock is a firearms manufacturer headquartered in Austria. Glock has a unique trademark consisting of an uppercase "G" surrounding the letters "lock". The package was an international shipment

from Wanglianhai at Baihe street Tiangong lishulyuan area, Nanyang, Henan 411300, China and manifested as "screwdriver".

6. On March 4, 2019, this affiant was contacted by the Homeland Security Investigations (HSI) Los Angeles International Mail Facility of the aforementioned seizure. This affiant informed CBPO Pimentel at the International Mail Facility that HSI Cleveland would accept the parcel for an attempted controlled delivery. In preparation for the controlled delivery, the parcel was equipped with a GPS tracker by HSI Cleveland.

7. On March 5, 2019, images of the parts were sent to Glock for authentication. On March 6, 2019, Amanda Kimmel, a Paralegal for Glock, stated that Glock does not manufacture such parts. Ms. Kimmel also stated that Glock is aware of the selector switches offered for sale on sites such as Ebay and they are working with Ebay to remove those ads as soon as the items are offered for sale. Ms. Kimmel also stated that Glock only produces one model capable of firing in full automatic with a selector switch that is built as part of a pistol slide, and not as an additional part. She also stated that the weapon is only sold directly to law enforcement agencies or branches of the U.S. Military and is a highly restricted item. The items are aftermarket devices and are not authorized or endorsed by Glock. In addition, the Glock logo nor the Glock name is authorized for use on aftermarket parts.

8. Also on March 6, 2019, a search conducted by the USPIS revealed that a similar package (parcel # LW099275856CN) bearing the same shipper and consignee as the above mentioned package, was delivered to the same address on February 19, 2019. The phone number (***-***-8223) that was listed as the addressee's phone number on USPS parcel LW115404905CN was also listed as the addressee's phone number on USPS parcel LW099275856CN, which was delivered to 1854 N Honeytown Rd, Wooster, OH 44691 on

February 19, 2019. Based on USPS records, Postal Inspectors identified that the phone number ***-***-8223 subscribed to receive Short Message Alerts (SMS) text alerts from the USPS regarding the delivery status of the USPS parcels LW115404905CN and LW099275856CN. According to CLEAR, an electronic database that has proven reliable in previous investigations in determining the legitimacy of name, address, and phone number information, phone number ***-***-8223 is associated with "K McKinley" in Wooster, OH as of March 2019.

9. On March 8, 2019, this affiant received the aforementioned parcel from the International Mail Facility and placed it in the HSI Cleveland evidence room.

10. Upon receipt of the parcel, HSI SA Donald Mania, National Program Manager, inspected the items. SA Donald Mania previously served as the Supervisory Special Agent, Section Chief and Acting Unit Chief, for DHS, ICE, Office of firearms and Tactical Programs (OFTP), Armory Operations Branch (AOB), where he over saw and supervised a cadre of Equipment Specialists Ordnance responsible for the acquisition, development, inspection, maintenance, testing and disposition of all firearms, including thousands of machine guns as defined by Federal law, used and maintained by approximately 65,000 law enforcement officers and agents within ICE, DHS, Customs and Border Protection and DHS, Federal Protective Service. In the course of his official duties, he has, on numerous occasions, inspected, tested and/or fired Glock brand handguns modified with the same or similar devices(s) intended for delivery to 1854 Honeytown Rd., Wooster, OH 44691. Based on his training and experience, the purpose of the device is to interrupt or alter the normal cycle of operation of a Glock brand semi-

automatic handgun, with the intent of having a Glock handgun fire more than one round with a single pull of the trigger.

11. HSI Cleveland conducted records checks on the 1854 N Honeytown Rd., Wooster, OH 44691, which indicated that Kenneth MCKINLEY III resides at this address. A criminal history records check revealed that MCKINLEY III has felony convictions for burglary (F2), theft (F5) and possession of drugs (F5) as well as misdemeanor convictions for domestic violence (M1), possession of drugs (M1), improper handling of firearms (F4) and possession of drug paraphernalia (M4). MCKINLEY III successfully petitioned to be released from disability following his felony convictions, however he was later convicted of domestic violence on October 27, 2017. MCKINLEY III also has an active warrant out of North Myrtle Beach, SC for synthetic narcotics. He is therefore again prohibited from possessing a firearm pursuant to Title 18, United States Code, Section 922(g)(9). Additionally, MCKINLEY III is currently on probation for his drug conviction on October 31, 2018, and under the “Rules of Probation” he is forbidden to purchase, own, possess, use or have under his control any deadly weapon, firearm, ammunition or dangerous ordnance. MCKINLEY III signed a form acknowledging the rules of probation.

12. A record check of the Ohio Law Enforcement Gateway (OHLEG) for Kenneth MCKINLEY III listed the 1854 Honeytown Rd., Wooster, OH 44691 as his residential address on his Ohio Driver’s license.

13. On March 12, 2019, HSI conducted a controlled delivery of the Glock Auto Switches and executed a search warrant at 1854 Honeytown Rd, Wooster, OH 44691. MCKINLEY III took the parcel containing the Auto Switches from his mail box. He opened the package, fled the property in his vehicle, and hid the Glock Auto Switches. MCKINLEY III was

located and then arrested by Wayne County Probation. When he was arrested, MCKINLEY III had an iPhone 8 Plus in his possession. Wayne County Probation Officer Courtney Curtis confirmed that she has contacted MCKINLEY III at ***-***-8223 and he later confirmed to her that ***-***-8223 is the number associated with the iPhone 8 Plus in his possession.

14. As a result of the search warrant executed at 1854 Honeytown Rd, Wooster, OH 44691, HSI seized fifty (50) rounds of .22 caliber Winchester ammunition, nineteen (19) .40 caliber spent casings, ten (10) .22 caliber spent casings, Trijicon ACOG scope, UTG laser sight, Firefield M4 carbine quad rail, Blackhawk holster package for a Springfield XDS and a gun cleaning kit.

15. Additionally, as a result of a probable cause search of MCKINLEY III's Chevrolet Malibu bearing Ohio license plate # HLW20177, HSI seized a scalpel, brown packaging, packing foam and mail. The mail matched the mail that was in the mail box when USPIS delivered the package containing the Glock Auto Switches and the packaging appears to have been torn/cut from the package that contained the Glock Auto Switches.

16. Later on March 12, 2019, Wayne County Probation Officer Courtney Curtis interviewed MCKINLEY III and he stated to that he ordered the "gun parts" on the "Wish app". He also stated that he hid the Glock Auto Switches in the shed at his parent's property and hid the GPS tracker in the bumper of a semi-truck trailer in parking lot near waste management in Wooster, OH. Officer Curtis relayed the information to HSI and the Glock Auto Switches were recovered.

17. On March 21, 2019, HSI Cleveland executed a search warrant on MCKINLEY III's iPhone 8 Plus. The extraction report was reviewed and revealed a "iMessage Chat" on 3/1/2019 with "Joe Meenan" (330-201-1021). "Joe Meenan" stated "I think your poly 80 frame

arrived..." and MCKINLEY III responded "...if your gonna be there tomorrow you can just bring it and I'll grab it from you before 11". An internet search was conducted on "poly 80 frame" returning results for several websites that sell 80% complete Glock polymer handgun frames.

18. In another conversation on 3/9/2019 with "Jason School" (916-224-6089) they were discussing attending a gun show. During the conversation MCKINLEY III stated "Yea about to buy this glock or Glock frame idk which one yet".

19. The review of MCKINLEY III's iPhone 8 Plus's search history revealed the following searches made on that device, "glock selector switch come with tracking device", "glock selector switch", "wish app package with tracking device inside", "tracking number", "sd9 value", "gun shops", "gun show ohio", "how to identify glock pre ban magazines", "glock 9mm drum", "glock 40 cal 31 round magazine", "big daddy unlimited tan polymer 80", "glock steel selector switch", "glock selector switch blueprints", "glock auto", "glock auto sear wish", "polymer 80" and "ar 15 lightning link". An internet search was conducted on "ar 15 lightning link" revealing that it is a device used to convert a semi-automatic AR-15 into a fully-automatic AR-15.

20. A review of the web history on MCKINLEY's iPhone 8 Plus revealed that the following YouTube videos were visited, "Polymer80 Build: My Hiccups and Fixes", "Glock Frame Facts", "Glock 19 assembly instructions", "Full Disassembly and Reassembly of a Glock Pistol", "Glock 23 reassembly", "Assembling the polymer 80 PF940C G 19 receiver", "polymer 80 assembly instructions", "POLYMER 80 Glock lets build it", "Glock select fire installation part 2", "glock selector switch", "Glock 19 Machine Pistol", "Glock 17 Full Auto Close-up", "Can WE G17 Go Full Auto and How to Fix it Afterwards", "wish app glock full auto", "FIRST

VIDEO! Reviewing purchases of firearm parts on the Wish App”, “Switch Fullauto for Glock China product no work!”, “AMAZON Selling Illegal FULL AUTO gun parts Gun News Weekly Episode # 237”, “Glock Full Auto Switch: Idea behind and installation process as well as demonstration”, “wish app selling illegal items”, “Glock full auto selector switch”, “Glock 19 Machine Pistol”, and “glock select fire switch”.

21. The iPhone 8 Plus also had a voicemail dated 2/8/2019 from a gunsmith stating “...I’m just calling to let you know your parts came in, so if you want to bring in your gun, and the parts, uh, and get this squared away, thanks...”.

22. A review of the iPhone 8 Plus images revealed a photo dated 3/12/2019 of a GPS tracker being held with a Chevrolet steering wheel in the background, SN # ISO001222760. That is the serial number for the tracker that USPIS and HSI placed in the package with the Glock Auto Switches for the controlled delivery to MCKINLEY III on 3/12/2019. The steering wheel appears to be from the Chevrolet Malibu, OH License plate # HLW2077, that MCKINLEY III was driving on 3/12/2019.

23. The iPhone 8 Plus contained several “Selfie” photos of Kenneth MCKINLEY III. Also located were photos of Sig Sauer, Walther, and Smith & Wesson handguns dated 9/30/2018 and 10/12/2018.

24. A review of the videos in the iPhone 8 Plus revealed a 0:24 second video dated 3/3/2019 of an individual cycling a Glock 23 handgun with a Glock Auto Switch installed on the back of the slide. The video is taken from a downward angle and the individual’s hands, legs and feet are visible. It appears to be an aftermarket frame on the handgun. This video was taken with an iPhone 8 Plus and the date of the video is after the first package of suspected Glock Auto Switch from China was delivered to MCKINLEY III’s address on 2/19/2019. 2/19/2019 through

3/2/2019 were also the dates that many of the above-mentioned YouTube videos were visited that related to the Glock Auto Switch installation. On 3/4/2019 was when the YouTube videos were visited relating to fixing a Polymer 80 frame and a slide sticking.

25. On 3/25/2019, ContextLogic, Inc. ("Wish") provided HSI Cleveland with information relating to orders made by Kenneth MCKINLEY III. The "Wish" information showed that MCKINLEY III made an order for one (1) "...Super Realistic Fashion DIY Ornament for Glock Product" on 2/4/2019. The tracking number (LW099275856C) matches that tracking number provided by USPIS for the package delivered to MCKINLEY III on 2/19/2019. MCKINLEY III made a second order for two (2) "...Super Realistic Fashion DIY Ornament for Glock Product" on 2/20/2019. The tracking number (LW115404905CN) matches the tracking number for the package that HSI and USPIS used for the controlled delivery of two (2) Glock Auto Switches to 1854 Honeytown Rd., Wooster, OH on 3/12/2019. A search of www.wish.com was conducted using the search term "DIY Ornament for Glock" and the results returned included Glock Auto Switches. The images in the listing resemble the Glock Auto Switches that were delivered to MCKINLEY III on 3/12/2019.

26. Also on 3/25/2019, the Massillon Cable Company provided HSI with information relating to IP address 24.140.44.17, which checked on the package (LW115404905CN) on 2/24/2019 that contained the two (2) Glock Auto Switches destined to MCKINLEY III. The IP address came back to Community Crossroads/One Eighty intervention and treatment services located at 660 Callowhill St., Wooster, OH 44691. Wayne County Probation Officer Courtney

Curtis confirmed that MCKINLEY III resided at that address from 9/18/2018 to 2/28/2019 for rehabilitation.

27. On 3/27/2019, Sprint provided HSI with information relating to phone # ***-***-8223. Account number 621377287 belongs to Kenneth MCKINLEY at 4712 Lattasburg Rd., Wooster, OH 44691. According to CLEAR, an electronic database that has proven reliable in previous investigations in determining the legitimacy of name, address, and phone number information, the address 4712 Lattasburg Rd., Wooster, OH 44691 is associated with Kenneth MCKINLEY III.

28. On 4/18/2019, Sprint provided information for three (3) IP addresses (2600:1:91da:e3e5:718a:92a4:b2cc:ce09, 2600:1:9183:baba:200e:1541:634:d3f8, 2600:1:9c20:91af:c1a2:571a:1df5:d17a) that checked on the package (LW115404905CN) that contained the two (2) Glock Auto Switches on 2/24/2019 to 3/12/2019 destined to MCKINLEY III. The IP addresses came back to account number 621377287 that belongs to Kenneth MCKINLEY at 4712 Lattasburg Rd., Wooster, OH 44691.

CONCLUSION

29. Based on the foregoing, there is probable cause to believe that Kenneth MCKINLEY III violated Title 18, United States Code, Section 545, importation of merchandise into the United States contrary to law, Title 18, United States Code, Section 922(g), prohibited person in possession of ammunition, and Title 18, United States Code, Section 922(o), unlawful transfer or possession of a machinegun (collectively, the "Specified Federal

Offenses). Your affiant respectfully requests the Court issue an arrest warrant for Kenneth MCKINLEY III.



Benjamin Shaw
Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

Sworn to in my presence, this 24th day of April, 2019



Kathleen B. Burke
The Honorable Kathleen B. Burke
United States Magistrate Judge